

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DARA FRESHLEY,)
)
 Plaintiff,)
)
 v.) CASE NO.: _____
)
 YALE REALTY SERVICES CORP. d/b/a) JUDGE
 YALE SMYRNA, LLC; CAPVIEW) JURY DEMAND
 INCOME & VALUE FUND IV LP;)
 KOHL'S, INC. a/k/a KOHL'S)
 DEPARTMENT STORES, INC.; and)
 TARGET CORPORATION,)
)
 Defendants.)

NOTICE OF REMOVAL OF CIVIL ACTION

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant Target Corporation ("Target") files this Notice of Removal of Civil Action on the grounds of diversity of citizenship of the parties. In support of this Notice, Defendant would show the Court as follows:

1. On October 16, 2020, Plaintiff Dara Freshly commenced an action against Defendant Target Corporation in the Circuit Court of Rutherford County, Tennessee, in the case styled *Dara Freshley v. Yale Realty Services Corp. d/b/a Yale Smyrna, LLC; Capview Income & Value Fund IV LP; Kohl's, Inc. a/k/a Kohl's Department Stores, Inc.; and Target Corporation*, Docket Number 77842. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon Defendant Target in this matter are attached hereto as Collective **Exhibit 1**.

2. Collective **Exhibit 1** attached hereto includes the only documents filed in this case. No further proceedings have been filed in the action pending in the Circuit Court of Rutherford County, Tennessee.

3. Defendant Target was served with the Summons and Complaint on October 26, 2020. *See Exhibit 1. See id.*

4. The Plaintiff seeks damages for personal injuries which Plaintiff alleges was caused by the negligence of the Defendant. The ad damnum set forth in the Plaintiff's Complaint seeks an amount of \$200,000.00.

5. Under 28 U.S.C. § 1441(a), actions over which the district courts of the United States have original jurisdiction are proper for removal. This Court has original jurisdiction over this case under 28 U.S.C. § 1332(a)(1). This action is removable to this Court because this is a civil action, the Plaintiff and the Defendants are citizens of different states within the meaning of 28 U.S.C. § 1332, and the amount in controversy exceeds Seventy-Five Thousand Dollars and 00/100 (\$75,000.00), exclusive of interest and costs. The Plaintiff is a citizen resident of Tennessee. The Defendant, Target Corporation, is a Minnesota Corporation with its principal offices located in Minnesota. The Defendant, Yale Realty Services Corp. d/b/a Yale Smyrna, LLC, is a New York Corporation with its principal offices located in New York. The Defendant, Capview Income & Value Fund IV LP, is a Delaware limited partnership with its principal offices located in Texas. The Defendant, Kohl's, Inc. a/k/a Kohl's Department Stores, Inc., is a Delaware Corporation with its principal offices located in Wisconsin.

6. Based upon the foregoing, this Court has original jurisdiction over the above entitled action pursuant to 28 U.S.C. § 1332. Because the Plaintiff and the Defendants are citizens of different states and the amount in controversy exceeds \$75,000.00, exclusive of

interest and costs, removal of this action is proper pursuant to 28 U.S.C. § 1441(a) under the procedures set forth in 28 U.S.C. § 1446.

7. This Notice of Removal is filed with the Clerk of the United States District Court for the Middle District of Tennessee, Nashville Division, within thirty (30) days, as computed by Fed. R. Civ. P. 6(a), of service of process upon Defendant, Target Corporation.

8. A copy of this Notice of Removal and Collective **Exhibit 1** attached hereto has been filed with the Circuit Court Clerk for the Circuit Court of Rutherford County, Tennessee. Further, a notice of this filing along with a copy of this Notice of Removal and Collective **Exhibit 1** has been served on the Plaintiff by and through their counsel.

WHEREFORE, based upon the foregoing, Defendant, Target Corporation, hereby serves notice that the above-captioned action pending against Defendants in the Circuit Court of Rutherford County, Tennessee has been removed therefrom to this Court.

Respectfully submitted,

THOMAS TUCKER LAW

By: s/Thomas W. Tucker III
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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing has been forwarded to Mr. D. Russell Thomas, **THOMAS AND BROWN**, 138 South Cannon Avenue, Murfreesboro, Tennessee 37129; Yale Realty Services Corp. d/b/a Yale Smyrna, LLC, c/o its registered agent Cogency Global, Inc., Suite B, 992 Davidson Drive, Nashville, Tennessee 37205-1051; Capview Income & Value Fund IV LP, c/o its registered agent Registered Agent Solutions, Inc., 992 Davidson Drive, Suite B, Nashville, Tennessee 37205-1051; and to Kohl's, Inc. a/k/a Kohl's Department Stores, Inc., c/o its registered agent Corporate Creations Network, Inc., 205 Powell Place, Brentwood, Tennessee 37027-7522; on this 23rd day of November, 2020.

s/Thomas W. Tucker III
THOMAS W. TUCKER III